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| EXAMINER |
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FELTEN, DANIEL S

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| ART UNIT | PAPER NUMBER |
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3624

DATE MAILED: 03/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/995,218
Filing Date: November 27, 2001
Appellant(s): WRONSKI, JOHN S.

MAILED

MAR 11 2005

GROUP 3600

Joseph C. Kirincich
(Reg. No. 38,734)
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed December 15, 2004

JB

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

The brief does not contain a statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief. Therefore, it is presumed that there are none. The Board, however, may exercise its discretion to require an explicit statement as to the existence of any related appeals and interferences.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

Appellant's brief includes a statement that claims 1-24 do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

(8) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

| | | |
|-----------|----------------|---------|
| 5,500,513 | Langhans et al | 3-1996 |
| 6,339,766 | Gephart | 12-1998 |

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

1. Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Langhans et al (“Langhans”, US 5,500,513) in view of Gephart (“Gephart”, US 6,339,766).

Applicant amended the claims, with “*providing the authorization code to the merchant*”. This limitation is disclosed by Langhans wherein the authorization card with the authorization code is provided to the merchant to complete an authorization request (see col. 2, ll. 56+). Thus it would have been obvious to an artisan of ordinary skill in the art at the time of the invention provide the authorization code to the merchant via the card complete an authorization request to make purchases, as disclosed by Langhans *as in Claims 1, 8 and 18*. Langhans also discloses a method, *as in claims 1, 2, 4-9, 11-14 and 18-24* for authorizing purchases by an owner of an account previously established with a bank, the owner wanting to purchase an item from a merchant, the method and/or system comprising: *as in claims 15-17*, having means and providing a plurality of authorization parameters

available for use in calculating an authorization code associated with a transaction to purchase the item (see Langhans, Abstract, col. 1, 11. 62 to col. 2, 11. 8), and

having means and defining a selected subset of the plurality of authorization parameters (see Langhans, Abstract, col. 1, 11. 62 to col. 2, 11. 8), and

having means and establishing respective authorization parameter data for each of the selected authorization parameters (see Langhans, col. 1, 11. 64 to col. 2, 11. 8),

having means and calculating the authorization code corresponding to the established respective authorization parameter data (see Langhans, col. 7, 11. 54 +);

having means and providing authorization code to the owner (see Langhans, col. 14, 11. 6 +);

having means and receiving the authorization code and transaction data from the merchant (see Langhans, Abstract, col. 1, 11. 62 to col. 2, 11. 8),

having means and calculating a confirmation authorization from the transaction data corresponding to the established respective authorization parameter data (see Langhans, col. 14, 11. 6 +); and

as in claims 3, 10, having means and comparing the authorization code with the confirmation authorization to determine whether or not to approve the transaction (see Langhans, col. 7, 11. 54 +). Langhans fails to disclose that the owner may be an individual.

Gephart discloses a limit use account system for an individual account (see Gephart abstract). It would have been obvious for an artisan at the time the invention was made to modify Langhans system so as to allow account ownership to be for an individual account rather than a company because an artisan at the time of the invention would have recognized the fact that there may be

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levels of security that an individual would like to establish in order to protect the individual against false or fraudulent uses/abused of the individual account. Thus an artisan of ordinary skill in the art would have sought to provide an individual with the same protections and securities as the company in the use or making certain transaction via authorization codes and/or confirmation codes. Thus to modify Langhans with consideration of an individual account would be considered an obvious extension of the teaching of Langhans as well as an obvious expedient to one of ordinary skill in the art.

In this case applicant has specifically argued that Langhans does not "...disclose a system that generates an authorization code specific to the transaction and one *that changes each time* a card owner plans to make a new purchase." No where in the present claim language does the limitation exist of a system that generates an authorization code specific to the transaction and one *that changes each time* a card owner plans to make a new purchase. Although this limitation may be suggested to some degree within the specification, claims must be given their broadest reasonable interpretation *without* reading limitations into the claim [see both *In re Hyatt*, 211 F. 3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed Cir. 2000); and *In re Morris*, 127 F.3d 1048, 1054-55, 44UspQ2d 1023, 1027-28 (Fed Cir. 1997)].

Moreover, claims are not limited to an authorization code *that changes each time a card owner plans to make a new purchase* because the claim language specifically claims "authorization parameters" which are associated with "the authorization code". Langhans discloses authorization parameters for an authorization code wherein "the appropriate test for that account number will be identified and applied, along with tests of other elements (parameters) higher in the hierarchy under which that account number falls. After tests are

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performed, the computer will, depending upon the company's customized programming, generates a signal indicating the authorization request is either allowed or denied."

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Daniel S Felten
Examiner
Art Unit 3624

DSF
March 7, 2005

Conferees
Vincent Millin
Joseph Thomas

ST.

A handwritten signature in black ink, appearing to read "Vincent Millin". The signature is written in a cursive, flowing style.

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